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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/987,707 | 11/15/2001 | Alan J. Lipton | 37112-175340 | 7303 |

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| EXAMINER |
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VO, TUNG T

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| ART UNIT | PAPER NUMBER |
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2621

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,707

Applicant(s)

LIPTON ET AL.

Examiner

Tung Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-22 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-22 and 24-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 22, 25-27, and 32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-22, and 24-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Brill et al. (US 6,816,184).

Re claims 1 and 22. Brill teaches a computer-readable medium comprising software for a video surveillance system (fig. 1), the computer (16 of fig. 1) inherently comprises code segments for automatically operating the video surveillance system based on video primitives (fig. 3, Note video primitives are defined as a person: entrance, deposit, removal, and exit in period of time as defined in figure 8), wherein the code segments for operating the video surveillance system comprise:

code segments (figs. 6 and 8) for identifying one or more user-defined event discriminators;

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code segments (fig. 7) for extracting video primitives (a person enters the user defined region, and a box is placed in or removed from the user defined region; objects: 106 and 107 of fig. 7, and regions: 86 and 91 of fig. 7; see also fig. 3; classify objects; col. 4, lines 51-63; and col. 5, lines 8-14) from a video; and

code segments (fig. 7) for extracting event occurrences (the person enters the user defined region (86 of fig. 7) and the box is placed in or removed from the user defined region (91 of fig. 7)), which are considered as event occurrences from the video primitives using at least one of the one or more user-defined event discriminators (col. 7, line 50-col. 8, line 34; col. 8, lines 42-67).

Re claim 4 and 24, Brill further discloses code segments for archiving the extracted video primitives (101 of fig. 7, Note current video image (101) is displayed on the screen and the extracted video primitives are a person and box (106 and 107 of fig. 7)).

Re claim 5, Brill further discloses code segments for undertaking a response based on extracted event occurrences (106 and 107 of fig. 7; Note col. 7, lines 51- 6).

Re claim 6, Brill further disclose wherein the response comprises initiating another sensor system (some other type of image detector is used for initiating sensor system, col. 9, line 66-col. 10, line 4) .

Re claim 7, Brill further discloses code segments (16 of fig. 1, Note a video surveillance system (fig. 1) is set up, calibrated, tasked, and operated)for calibrating the video surveillance system.

Re claim 8, Brill further discloses wherein the code segments for calibrating comprise code segments for self-calibrating the video surveillance system (16 of fig. 1, Note the computer and the video camera automatically perform operation).

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Re claim 9, Brill further discloses wherein the code segments for self-calibrating comprise: code segments for detecting as least one object (person in video source) in a source video (12 of fig. 1; see also figs. 2A-2H); and code segments for tracking the object (fig. 3, Note the computer (16 of fig. 1) then carries out motion analysis, by tracking movement or non-movement of each identified change region through a succession of the frames or images from the video camera).

Re claim 10, Brill further discloses wherein the code segments for detecting at least one object comprise: code segments for detecting at least one object via motion of the object (fig. 3); and code segments for detecting at least one object via change in a background model (fig. 2A-2H).

Re claim 11, Brill further discloses wherein the code segments for self-calibrating comprise: code segments for identifying trackable areas (86, 88, 91, and 93 of fig. 6, Note areas A, B, C, and D); and code segments for identifying typical sizes of typical objects (col. 4, lines 51-63).

Re claim 12, Brill further discloses wherein the code segments for calibrating comprise: code segments for manual calibration; code segments for semi-automatic calibration; and code segments for automatic calibration (16 of fig. 1, Note the computer automatically performs operations, and the user manually enter parameters (event discriminators), so they both considered as semi-automatic calibration (set-up)).

Re claims 13-19. Brill further discloses code segments for tasking the video surveillance system with the user-defined event discriminators (fig. 8); wherein the code segments for tasking comprise code segments for identifying: at least one object (Objects of fig. 8); at least one spatial

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area (Regions of fig. 8; see also figs. 6-7); at least one temporal attribute (Duration, time and day of fig. 8); at least one interaction (Events and Objects of fig. 8); at least one alarm (Actions of fig. 8); wherein the video primitives are from at least one of a video sensor (12 of fig. 1) and another sensor (col. 2, lines 54-55).

Re claim 20, Brill further discloses wherein the video primitives are retrieved from an archive of video primitives (101 of fig. 7, Note current video image is displayed).

Re claim 21, Brill further discloses a computer system comprising the computer-readable medium (16 of fig. 1; Note the computer inherently has computer readable medium) of claim 1.

Re claim 29, Brill further discloses wherein event occurrences are extracted based on video primitives and non-video primitives (101 of fig. 7; col. 2, lines 54-56, Note some other type of image detector are used as considered non-video primitives).

Re claim 30, Brill further discloses code segments for identifying the one or more user-defined event discriminators using a user interface (18 and 19 of fig. 1).

Re claim 31, Brill further discloses wherein at least one user-defined event discriminator defines an interaction between one or more video primitives (106 and 107 of fig. 7; Not a person and a box), between one or more spatial areas of interest (86, and 91 of fig. 7), and/or between one or more temporal areas of interest (Duration of fig. 8; fig. 3).

Re claims 25-27, and 32. Brill discloses an apparatus for video surveillance (fig. 1) as a hardware, wherein the apparatus carries out a method and is adapted to perform video surveillance based on video primitives (figs. 6-8), wherein the apparatus is adapted to: identify one or more user-defined event discriminators (figs. 6 and 8); extract video primitives from a video (fig. 7); and extract event occurrences from the video primitives using at least one of the

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one or more user-defined event discriminators (106 and 107 of fig. 7; col. 7, line 51-col. 8, line 11).

Re claim 28, Brill further discloses wherein the apparatus comprises application-specific hardware to emulate a computer and/or software (the computer (16 of fig. 1) inherently has hardware and software in order to performing the operation as disclosed).

Re claim 33, Brill further discloses self-calibrating the application-specific hardware for performing video surveillance (16 of fig. 1, Note the computer has automatic functions to perform the surveillance monitoring the loiter area and events).

Re claim 34, Brill further discloses wherein event occurrences are extracted based on video primitives and non-video primitives (some other type of image detector is used for initiating sensor system, col. 9, line 66-col. 10, line 4).

Re claim 35, Brill further discloses wherein at least one user-defined event discriminator includes at least two of the following: an object, a spatial area, a temporal attribute, an interaction, and an alarm (fig. 8).

Re claim 36, Brill further discloses wherein at least one user-defined event discriminator defines an interaction between one or more video primitives (106 and 107 of fig. 7), between one or more spatial areas of interest (86 and 91 of fig. 7), and/or between one or more temporal areas of interest (Duration of fig. 8).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tung Vo
Primary Examiner
Art Unit 2621